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7 JOHNSON,
8 Plaintiff,
9 v.
10 UNKNOWN,
11 Defendant.

Case No. [23-cv-05119-TLT](#)

ORDER OF DISMISSAL

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13 Plaintiff, who is detained at the West County Detention Facility in Contra Costa County
14 and proceeding *pro se*, filed a letter which the Court construed as an attempt to file a civil rights
15 complaint under 42 U.S.C. § 1983. ECF 1. That same day, the Clerk of the Court informed
16 plaintiff that this action was deficient because (1) plaintiff had not filed the complaint on the
17 prisoner complaint form and (2) plaintiff had not paid the filing fee or filed an application to
18 proceed *in forma pauperis*. ECF 2, 3. Plaintiff was instructed to respond within twenty-eight days
19 of the date of the order. *Id.*

20 The deadline to (1) file a complaint and (2) either pay the filing fee or file an application
21 for leave to proceed *in forma pauperis* has passed, and plaintiff has done neither. The Court
22 therefore DISMISSES this action without prejudice. Because this dismissal is without prejudice,
23 plaintiff may move to reopen the action. Any such motion must be accompanied by (1) a
24 complaint on the proper prisoner complaint form and (2) either the filing fee or an *in forma*
25 *pauperis* application on the proper form with the required supporting documents.

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1 The Clerk shall enter judgment in favor of defendant, terminate all pending motions, and
2 close the file.

IT IS SO ORDERED.

4 || Dated: November 14, 2023


TRINA L. THOMPSON
United States District Judge

United States District Court
Northern District of California